

**MINUTES OF THE
TRANSPORTATION, ENVIRONMENTAL QUALITY & NATIONAL GUARD
APPROPRIATIONS SUBCOMMITTEE
Room 25, House Office Building, State Capitol Complex**

Wednesday, January 28, 2009

MEMBERS PRESENT: Rep. Wayne Harper, Co-Chair
Sen. Scott K. Jenkins
Sen. Mark B. Madsen
Sen. Luz Robles
Rep. Rebecca P. Edwards
Rep. Neil Hansen
Rep. Neal B. Hendrickson
Rep. Don L. Ipson
Rep. Patrick Painter
Rep. F. Jay Seegmiller
Rep. Kenneth Sumsion
Rep. Carl Wimmer

MEMBERS ABSENT: Sen. Kevin T. Van Tassell, Co-Chair
Sen. Peter C. Knudson

STAFF PRESENT: Mark C. Bleazard, Fiscal Analyst
Rosemary Young, Committee Secretary

Note: A list of visitors and copy of handouts are filed with committee minutes.

Rep. Harper called the meeting to order at 2:21 p.m. Sen. Van Tassell was excused due to an injury. Sen. Jenkins filled in as co-chair. The attention of the committee was directed to their notebooks and the draft agenda for the remaining meetings of the session.

Mark Bleazard, Fiscal Analyst, reviewed the actions taken by the committee at the last meeting, particularly reminding them of the priority list. This information is detailed in the minutes of the 1/21/09 meeting located under appendix B.

Department of Environmental Quality

The Analyst pointed out that the department has been in existence since 1991 and was originally part of the health budget. Their budget is derived from federal funding and from fees as dedicated credits or fees in the restricted fund. He discussed three issue briefs: Drinking Water Loan Administration Costs - The Analyst is recommending an appropriation of \$51,500 from the General Fund Restricted - Water Development Security Account - Drinking Water Origination Fee Subaccount. Water Quality Loan Program - The Analyst is recommending an appropriation of \$37,800 from the General Fund Restricted - Water Development Security -

Water Quality Origination Fee Subaccount. DEQ Federal Funds FY 2010 - The Analyst submits the list of

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federal funds requests found in Appendix A for the committee to accept or not accept pursuant to 63-38e-210(2)(a). The estimated total of federal funds for FY 2010 is \$17,402,400 which is approximately 34% of the total budget request of \$51,520,900.

Bill Sinclair, Acting Executive Director of the Department of Environmental Quality, distributed a handout explaining the responsibilities of the six divisions; and he introduced each division director, giving some educational and state of origin background. Each director then reviewed the information with the committee as follows:

Ken Bousfield, Director of the Division of Drinking Water, reported that their staff is 34 FTEs, primarily engineers and scientists, who oversee 249 very small, 113 small, 51 medium, 44 large, and 3 very large water systems. Source protection is an important program as it is cheaper to prevent contamination than to clean it up. Source protection; engineering plan review; water monitoring, quality, and enforcement; sanitary surveys; operator certification; emergency response; and capacity all have a primacy requirement. Particular challenges are the small water systems and maintaining primacy to qualify for matching federal funds.

Dane Finerfrock, Director of the Division of Radiation Control, pointed out that their Radioactive Materials program is a statutory, delegated program from the U.S. Nuclear Regulatory Commission; and the Low-Level Radioactive Waste program/Uranium Mill Program is also delegated from the NRC. The Radon Program is an EPA funded, non-regulatory program to encourage home owners and schools to test for radioactive radon gas and make corrections if necessary.

Walt Baker, Director of the Division of Water Quality, reminded the committee that Utahns appreciate the value of water, and the Division recognizes five beneficial uses of water: drinking, recreating, aquatic habitat, agriculture, and Great Salt Lake. Water that cannot be used for any of these beneficial uses is considered impaired. Rivers and streams, lakes and reservoirs are monitored. Three-fourths of surface water is good and two-thirds of lakes are okay but threatened. The Jordan River is an example of an impaired stream. Two pressing issues to the program are nutrient pollution which results in depleted oxygen and fish kill and climate change converting cold water habitats to warm water habitats. One of the budget issues is environmental laboratory services which have been done by the state lab, but closing the lab is now being considered. It would cost over one million dollars to have the work done at a private lab, and they don't have the budget to cover it.

Dennis Downs, Director of the Division of Solid and Hazardous Waste, reported that the staffing in the Division has been reduced since 2002 from 70 to 59, but the workload is not less. Entire

Division funding comes from waste disposal fees, federal grants, permitting, and plan review. There are no general funds. There is a Hazardous Waste Program, Non-hazardous Solid Waste Program and Small Business Compliance Assistance Program. The Waste Tire Program recycles

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2.7 million tires annually, the number that are sold. The Used Oil Program recycles 12 million gallons annually and is considered successful.

MOTION: Sen. Jenkins moved to approve the following Analyst recommendations:
An appropriation of \$51,500 from the General Fund Restricted - Water Development Security Account - Drinking Water Origination Fee Subaccount.

An appropriation of \$37,800 from the General Fund Restricted - Water Development Security - Water Quality Origination Fee Subaccount.

The federal funds requests for the Department of Environmental Quality found in Appendix A.

The motion passed unanimously with Sen. Robles absent for the vote.

Brad Johnson, Director of the Division of Environmental Response and Remediation, discussed the programs and funding of the division. There is a possibility of economic stimulus funds coming into the state to be used in the Superfund program. Personnel are on call 24/7 to respond to spill calls of which there are 400 per year. Voluntary Cleanup and Brownfields are similar programs, but EPA funds can be applied for to clean up blighted properties in the Brownfields program. Funding issues are the 10% cost share and long-term maintenance costs for Superfund sites.

Cheryl Heying, Director of the Division of Air Quality, reported that the division has approximately 100 employees, mostly engineers and environmental scientists, and their goal is 100% achievement of the national ambient air quality standards 100% of the time. Current issues are the drop in the EPA standard for particulate matter to 35 ug/m³. Utah does not meet the new standard, and this is a winter problem. The standard for ozone dropped to 75 parts per billion which Utah does not meet, and this is a summer problem. The division is involved in regional mercury reduction plans and supports community health studies such as the asthma task force and school recess guidelines.

Agency Consolidation Discussion

One matter of concern is the state laboratory. There has been discussion about bifurcating the Department of Health and transferring all Medicaid related issues to Human Services which amounts to about 60 % of the work, and do something else with the Depart. of Health. Some of

those functions could logically come under the DEQ and perhaps be called the Division of Health and Environment. State labs could come under epidemiology and lab services. A goal is efficiency in government.

MOTION: Rep. Hendrickson moved to adjourn. The motion passed unanimously with Sen. Jenkins absent for the vote.

Rep. Harper adjourned the meeting at 4:32 p.m.

Rep. Wayne Harper, Co-Chair

Sen. Kevin T. Van Tassell, Co-Chair